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Attorney for Defendant
NATIONSTAR MORTGAGE LLC doing business as
CHAMPION MORTGAGE COMPANY,
erroneously sued as CHAMPION MORTGAGE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIE YORK,)	CASE NO. 14-CV-02471 RS
)	
Plaintiff,)	Assigned to U.S. District Judge:
)	Judge Richard Seeborg
vs.)	
)	STIPULATION TO EXTEND
)	DISCOVERY CUT-OFF;
BANK OF AMERICA, CHAMPION)	MEMORANDUM IN SUPPORT; AND
MORTGAGE, et al.,)	
)	PROPOSED ORDER
Defendant.)	

Trial: March 19, 2018

Pursuant to Federal Rule of Civil Procedure 16(b)(4) and Northern District of California Civ. L.R. 6.1(b) and 6.2, Plaintiffs WILLIE YORK and CAROLYN YORK MILES ("Plaintiffs") and Defendants NATIONSTAR MORTGAGE LLC doing business as CHAMPION MORTGAGE COMPANY, erroneously sued as CHAMPION MORTGAGE; BANK OF AMERICA, N.A.; REVERSE MORTGAGES OF CALIFORNIA, INC.; THOMAS PERKINS and SURETY BONDING COMPANY OF AMERICA (collectively "Parties") by their respective undersigned counsel respectfully jointly stipulate and hereby request that the current discovery deadline of October 20, 2017, set forth in the Case Management Scheduling Order of August 3, 2017 (Doc. 213), be extended to November 22,

1 2017, for good cause to permit the parties to continue focusing on settlement discussions and to avoid
2 incurring additional expenses associated with pending discovery while settlement discussions are
3 ongoing.

4 The requested extension of discovery-related deadlines will not affect any of the other dates set
5 in the case, including the trial date (3/19/18) and the hearing date (12/7/17) on the pending motions for
6 summary judgment. This is the parties' third request for an extension of time in this matter regarding
7 the discovery deadline.

8 **MEMORANDUM IN SUPPORT**

9 **I. PROCEDURAL HISTORY**

10 In its Case Management Scheduling Order of August 3, 2017 ("scheduling order") (Doc. 213),
11 this Court confirmed an agreement among the parties to extend the discovery cut-off date to October 20,
12 2017, which remains the current cut-off date. Since the scheduling order was issued, the parties have
13 been engaged in still-ongoing settlement discussions, both directly with each other and with the
14 assistance of Tamara Lange, mediator. During such time, the parties have deferred expert witness
15 depositions and completing outstanding written discovery in an effort to avoid both the expense
16 necessarily involved in such discovery, and the obstacle to settlement presented by the incurring of such
17 expense.

18 The scheduling order anticipated and allowed for further extension of the discovery cut-off
19 ["Should [the parties] agree to any further extension of the cut-off, the parties are to file a stipulation
20 prior to that date"]. (Dkt 213 1:17-18)

21 The parties have agreed to an extension of the discovery cut-off to November 22, 2017, and
22 submit this joint stipulation requesting the Court to approve the extension.

23 **II. LEGAL STANDARD**

24 Pursuant to Fed. R. Civ. P. 16(b)(4), a schedule may be modified for good cause and with the
25 judge's consent. The primary measure of Rule 16's 'good cause' standard is the moving party's
26 diligence in attempting to meet the case management order's requirements. *Johnson v. Mammoth*
27 *Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. Sep. 14, 1992).

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The discovery cut-off date should be extended to November 22, 2017, to allow the parties to continue settlement talks and to attempt to limit litigation expenses that would be avoided entirely in the event the parties reach an agreement to settle this matter.

Respectfully submitted,¶

DATED: October 19, 2017

ROBERT F. KANE

MCGUIREWOODS LLP

ALISON V. LIPPA

Stipulation to Extend Discovery Cut-Off; Order thereon
Case No. 14-CV-02471 RS - PAGE 3 OF 3

1 DATED: October 19, 2017

LAW OFFICES OF JOHN L. FALLAT

2
3 By: /s/ Timothy J. Tomlin

4 TIMOTHY J. TOMLIN

5 Attorneys for Defendant SURETY BONDING COMPANY
OF AMERICA.

6 DATED: October 19, 2017

DOYLE & FORTUNE

7 By: /s/ David D. Doyle

8 David D. Doyle

9 Counsel for Defendants REVERSE MORTGAGES OF
CALIFORNIA, INC. and THOMAS PERKINS

10
11 DATED: October 19, 2017

LAW OFFICES OF GLENN H. WECHSLER

12 By: /s/ Jeffrey S. Nelson*

13 JEFFREY S. NELSON

14 Attorneys for Defendant NATIONSTAR MORTGAGE
15 LLC doing business as CHAMPION MORTGAGE
COMPANY, erroneously sued as CHAMPION
MORTGAGE

16
17 *I hereby attest that I have received authorization to provide any signatures indicated by a "conformed"
18 signature (/s/) within this e-filed document and that such authorizations are available for inspection upon
19 request.
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ORDER

The Court, having considered the Parties' stipulation to extend the discovery cut-off to November 22, 2017, and good cause appearing,

IT IS HEREBY ORDERED:

- The discovery completion deadline shall be extended from October 20, 2017, to November 22, 2017.

All other dates scheduled in this case, including the trial date, shall remain as previously set.

Dated: October 20, 2017



RICHARD SEEBORG
United States District Judge

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